



The Workers' Party

工人党 Parti Pekerja பாட்டாளிக்கட்சி

21 March 2016

To
Constitutional Commission Secretariat
1 Supreme Court Lane
Singapore 178879.

Dear Sirs

SUBMISSION ON REVIEW OF ELECTED PRESIDENCY

We refer to the ongoing review of the office of the Elected President and are pleased to enclose the submission of the Workers' Party on the matter, for the consideration of the Commission.

The attached sets out the Party's basic position on the office of the Elected President and the current review.

As a political party with Members of Parliament, we intend to debate the matter fully when the Constitutional Amendment Bill is presented in Parliament. Nevertheless, should there be any need to contact WP on this submission, we can be contacted at the email address sylvia.lim@wp.sg.

Thank you.

Yours faithfully,

Sylvia Lim
Chairman
For and On Behalf of The Workers' Party

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SUBMISSION BY THE WORKERS' PARTY ON ELECTED PRESIDENCY

The Workers' Party (WP) notes that the Terms of Reference of the Constitutional Commission are to review (only) specific aspects of the Elected Presidency. Nevertheless, due to far-reaching implications of the continued existence of the office of Elected President (EP) on Singapore's system of parliamentary democracy, WP finds it necessary to record and reiterate its position that the EP is an institution which should be abolished.

2 From the inception of the EP concept in the 1980s, WP has registered its strong objections to the creation of such an office.

Summary of WP's Objections to EP

3 WP's main concerns, which are still relevant today, may be categorized under the following heads:

The EP undermines Parliamentary Democracy

4 In a Parliamentary Democracy, the government's power to govern is derived from the popular mandate it receives at parliamentary elections. Once elected, the government should be empowered to make policies and decisions for the people, subject to its accountability to Parliament. The introduction of the EP, with powers provided under Part V, Chapter 1 of the Constitution, fetters the government in those matters which may be critical to the government's effectiveness – to make key civil service appointments, and to draw down on past reserves should such an exigency arise. The custodial role of the EP has, at times, posed problems even for the PAP government, as seen during the tenure of President Ong Teng Cheong.

5 Though some may argue that the EP is an elected office and hence has a mandate of the people, this argument is not tenable. The EP can potentially block certain decisions made by a popularly-elected government. Furthermore, the candidates contesting to be the EP come from only a very select group of eligible persons. To arrogate to one man the power to stop an elected government from its work, is a surrender of the people's will expressed in parliamentary elections.

6 The EP's blocking powers are not just a matter of party politics, but shake the very foundations of Singapore's commitment to free and fair elections. Should a future scenario emerge when the PAP government is voted out, Singapore must be able to show that it is able to have a smooth transition of power, respecting the wisdom of the people's vote. The EP derogates from and is a blot on Singapore's commitment to democracy.

The EP could potentially Cripple a non-PAP Government in its first term

7 While the prospect of the PAP being voted out as government may seem remote in the current environment, Constitutional mechanisms should cater for the long term. Should the day come when a non-PAP government is elected, the EP will represent the PAP's legacy. This is due to the fact that the persons who qualify to be EP comprise an elite group, many of whom are senior officials appointed under the PAP regime, some of whom would in fact have been PAP leaders such as a former Minister or Speaker. The other persons who might potentially qualify to run for EP include former Permanent Secretaries, Accountant-Generals, Auditor-Generals, Attorney-Generals, Chairmen of the Public Service Commission and the former CEOs of Central Provident Fund Board, Jurong Town Corporation, Housing & Development Board and the Monetary Authority of Singapore.

8 A newly-elected non-PAP government might need to replace some of the key appointment holders enumerated in Article 22 of the Constitution, such as when those appointed under the PAP administration retire or do not wish to continue. The EP could block such appointments and cripple the new administration, as the list of appointments needing the EP's concurrence is large, including the Supreme Court judges, the Attorney-General, Accountant-General, Auditor-General, Chiefs of the Armed Forces, Commissioner of Police, Director of the Corrupt Practices Investigation Bureau and the Chairman and members of the Public Services Commission.

The EP can be an Unnecessary Alternative Power Centre, Causing Gridlock

9 With the significant veto powers given to the EP, the EP could become an alternative power centre. This may not be apparent when the EP and the incumbent government see eye to eye, but will be obvious when the EP disagrees with the government's proposed actions in matters where the EP has jurisdiction. The disagreements are likely to be public and may diminish the standing of the Prime Minister and Cabinet. The Prime Minister may be seen as a lame duck, needing to cower to the EP to obtain "co-operation" and prevent political impasses or even crises. This is, again, a repudiation of the people's vote at the general elections.

Parliament is a Sufficient Safeguard on Reserves

10 WP agrees that the large reserves built up in the past should be safeguarded, but believes that the EP is not the right mechanism for this. For all the years prior to the introduction of the EP, there was not seen to be a need for additional safeguards over the reserves. WP is, however, open to additional Parliamentary safeguards over the reserves, such as requiring a supermajority vote in Parliament before past reserves can be used by the government.

Current Government's Concerns about EP

11 The current concerns expressed by the Prime Minister about the office of the EP were, largely, the making of the government itself. It is also ironic that the government has regularly eschewed political systems embroiled in gridlock, yet it is entrenching and exacerbating the potential for real gridlock through the office of EP and the proposed Constitutional changes to the functioning of the office of EP.

12 To elaborate:

- (a) The government's desire to review the eligibility criteria for candidature suggests that the government fears that an "uncooperative" EP might be elected. This is a recognition of the real potential for political gridlock that the office of EP presents. An elected government could end up in prolonged tussles with the EP, at times when decisions may need to be made in a timely manner (e.g., whether to draw down on past reserves in an economic downturn).
- (b) The potential of expanded powers for the Council of Presidential Advisors (CPA) will further compound the four concerns enumerated in the preceding section. The Prime Minister has asked the Commission to study how the CPA's views could be "given more weight". The government appears to be indicating its concern that the people would elect an EP who might be "too" independent and need to be checked by the CPA. The CPA of eight appointed members, with no mandate from Singaporeans, is another power centre. Its proceedings are secret. The potential expansion of the CPA's powers will potentially add another layer of gridlock, between the EP and the CPA.
- (c) Concerns about not having a President from a minority community would be nullified if Singapore were to revert to its former system of appointed, ceremonial Presidents. *The role of the Head of State as a representative and unifying figure cannot be overstated.* Our past, non-elected Presidents are generally held in very high esteem by the people, no matter which ethnic community they came from. Their non-participation in elections, in fact, elevated their stature as they were seen to be above politics, much like other ceremonial Heads of State such as the Queen of England.

Conclusion

13 WP's view is that the office of the EP should not be retained, let alone refined. WP repeats its call for the abolition of the office of the EP.